

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KIMBERLY S. YABLONSKI,

Plaintiff,

v.

6:03-CV-414  
(FJS/RFT)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

AMDURSKY, PELKY LAW FIRM  
Attorney for Plaintiff  
26 East Oneida Street  
Oswego, NY 13126

OF COUNSEL

GREGORY R. GILBERT, ESQ.

HON. GLENN T. SUDDABY  
United States Attorney for the  
Northern District of NY  
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WILLIAM H. PEASE  
Assistant United States Attorney

**FREDERICK J. SCULLIN, JR., S.D.J.:**

**DECISION AND ORDER**

Presently before the Court is Magistrate Judge Randolph F. Treece's February 1, 2008 Report-Recommendation in which he recommends that the Commissioner's decision denying disability benefits be VACATED and the matter REMANDED to the agency for further consideration. The Court having reviewed the Report-

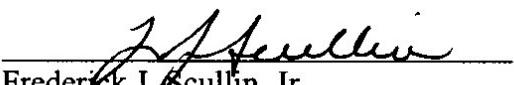
Recommendation and the entire file in this matter and no objections to said Report-Recommendation having been filed, the Court hereby

**ORDERS** that the Report-Recommendation filed by Magistrate Judge Randolph F. Treece on February 1, 2008, is, for the reasons stated therein, **ACCEPTED** in its entirety; and the Court further

**ORDERS** that the Commissioner's decision denying disability benefits is **VACATED** and the matter is **REMANDED** to the agency for further consideration.

**IT IS SO ORDERED.**

Dated: May 20, 2008  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge